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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

In re N.W. et al., Persons Coming Under
the Juvenile Court Law.

SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Plaintiff and Respondent,

v.

N.L.,

Defendant and Appellant.

C063572

(Super. Ct. Nos.
JD226647, JD226648,
JD226649)

Appellant N.L., mother of N.W., O.B., and E.L. (the minors), appeals from an order of the juvenile court terminating her parental rights as to O.B. and N.W., and ordering a plan of long-term foster care for E.L. (Welf. & Inst. Code, §§ 366.26, 395; unspecified section references that follow are to this code.)

On appeal, appellant contends: (1) minors' counsel had a conflict of interest in continuing to represent all three of the minors where the recommended permanent plans would sever their

sibling relationships, and (2) the juvenile court erred by failing to find that, under section 366.26, subdivision (c)(1)(B)(v), termination of parental rights substantially interfered with the minors' sibling relationships with E.L. We affirm the judgment.

FACTS AND PROCEEDINGS

N.W. was born in November 2007, O.B. in June 2005, and E.L. in July 2002.

In November 2007, Sacramento County Department of Health and Human Services (the department) removed the minors from their mother's care and filed petitions alleging appellant's failure to protect E.L. from physical abuse inflicted by a family friend, abuse of the minors' siblings, and failure to obtain appropriate medical treatment for O.B. (§ 300, subds. (b)(1), (b)(2) & (j).) E.L. was placed in confidential foster care. Initially, O.B., being a "medically fragile child," could not be placed with his siblings and was instead placed in confidential foster care, while newborn N.W. remained in the hospital. O.B. and N.W. were eventually placed in the same foster home together.

According to the January 2008 jurisdiction/disposition report, O.B. was a Type I diabetic, "a serious chronic medical condition" for which appellant failed to provide the necessary medical treatment. E.L. had numerous bruises on his body and several "unusual" scars on his face and body. The bruises were consistent with being "whooped" by the minor's paternal

grandmother with a belt when he urinated on himself and in his bed.

N.W. was doing "excellent" in foster care. O.B. was also doing well and getting along well with his foster siblings. However, he had a problem using inappropriate language. O.B.'s asthma was being treated and his blood sugar levels were being regulated. E.L. was doing "fine" in his foster placement. Appellant was visiting the minors twice weekly and was appropriate during visits.

O.B.'s biological father, O.B., Sr., was incarcerated at Rio Cosumnes Correctional Center, and L.W., the alleged father of N.W., was incarcerated at the Sacramento Juvenile Hall. There was no information on the whereabouts of E.L.'s alleged father, Kenneth (last name unknown).

At the contested jurisdiction/disposition hearing, the court sustained the allegations in the petitions and adjudged the minors dependent children of the court (§ 300, subds. (b), (j)). The court ordered regular visitation with the minors and reunification services to appellant.

According to the July 2008 permanency report, N.W. and O.B. were doing well together in foster care. They visited with E.L. two times per week with no noted concerns, and O.B. and E.L. appeared to have a close relationship. Twice-weekly visits with appellant also occurred without incident.

E.L., on the other hand, "exhibited some challenging behaviors, such as extreme tantrums and taking other children's toys in the home." The foster family reported E.L. is familiar

with adult subject matter and, on occasion, walks with a "swagger" and tells people he is a "pimp." When the foster family moved out of state, E.L. was moved to a second placement, where his adjustment was "fair." The new foster family reported that E.L. was adapting well to his new home, but was at times defiant toward adults and aggressive toward other children. E.L.'s asthma was being treated and, after considerable dental work, his dental issues were resolved. E.L. occasionally wet himself at night. He requires monitoring around other children, as he is prone to pushing and hitting.

During kindergarten, E.L. exhibited inappropriate behavior by grabbing the bottoms of female students. However, nothing of concern occurred after he was moved to the front of the classroom. E.L. was referred to individual counseling in April 2008 to address some of the behaviors he exhibits in the foster home, such as impulsivity, defiance, and aggression. He visits with appellant twice per week. At times, he exhibits hostility toward appellant by being "highly defiant and using derogatory language." Twice-weekly visits with his two siblings are positive.

The report noted that it would not be appropriate to place E.L. with his two siblings, but continued regular visitation between the three minors was appropriate.

At the July 10, 2008 hearing, the court agreed that E.L. should not be placed with his two siblings, but that regular visitation was appropriate. The court continued the minors as dependents of the juvenile court, continued their out-of-home

placement, and continued visitation between appellant and the three minors.

According to the January 2009 permanency review report, N.W. and O.B. continued to do well together in foster care. N.W. was assessed with some developmental delays, and the report notes she "could possibly have cerebral palsy; however, the doctor would like to watch [her] over the next year to ensure the proper diagnosis." O.B. was being treated for asthma.

The minors visit with appellant two times each week. N.W. does well but seeks out her foster parents for comfort when she is upset. O.B. looks forward to his visits with appellant, but has high energy and does not respond well to redirection from appellant, ignoring her repeated instructions and continuing his undesirable behavior. Appellant is not consistent with checking O.B.'s blood sugar levels or feeding him when he is hungry. She relies on guidance from the foster parent to calculate carbohydrates consumed by O.B. and to determine how much glucose to administer. During one unsupervised visit, appellant mistakenly gave O.B. the wrong amount of insulin which rendered O.B. unresponsive. The foster parent realized the problem and administered medication which assisted O.B. in becoming responsive. The foster parent reports that O.B. displays negative behavior following visits with appellant.

The minors visit each other two times each week. While O.B. and E.L. interact with each other, N.W. spends her time with either her foster parent or appellant. The foster parents

are interested in pursuing a plan of adoption of N.W. and O.B., both of whom were found to be adoptable.

E.L. is adjusting to his foster placement and interacting well with the other children in the home. However, he must be monitored around other children outside the home, as he is prone to pushing and hitting. He still has episodes of enuresis (urinating on himself) at bedtime. His academic performance is poor, but special education classes have assisted with academic difficulties and improved his self-esteem. E.L. has minor behavioral problems in school, including failure to consistently follow directions, work and share with others, respect the rights and property of others, or to use time appropriately. However, as a result of individual counseling, E.L. is making progress and "becoming more emotionally healthy."

The report indicates that E.L.'s foster family is not interested in pursuing a plan of adoption, but is interested in possible legal guardianship in the event of appellant's failure to reunify with E.L.

The report notes that, although appellant has completed counseling, parenting classes, and diabetic education, she lacks understanding of O.B.'s medical issues and fails to acknowledge N.W.'s delayed development or need for physical therapy. As a result, the department recommends that appellant's reunification services be terminated as to N.W. and O.B. and a permanent plan of adoption be granted. The department further recommends that services continue as to E.L., and that he have an appropriate visitation schedule with his siblings.

An addendum report filed on March 19, 2009, modified the department's prior recommendation based on facts related to a report by E.L. of recent physical abuse by appellant. E.L. reported that appellant hits him on the head when he is in trouble, causing him to feel bad and unsafe. He stated appellant "slaps him with an open hand on his genitals when he is naked" and has done so on more than one occasion. E.L. also reported that appellant "hit him on his privates" when he was in the shower. Since increasing visits between E.L. and appellant, during which appellant's boyfriend is present, E.L. has again begun urinating on himself daily. According to the foster parent, E.L. becomes pouty and withdrawn, gets upset, and urinates on the carpet following visits with appellant. During those visits, he also appears to have learned hand gestures as if to fight or to shoot someone.

Appellant stated E.L. told her the foster parent "whoops him." When asked about discipline, appellant said she utilizes time outs or takes E.L.'s toys away, and denied ever hitting or yelling at E.L. or any of her children, stating she "just raises her voice a little so [E.L.] knows she is serious."

According to E.L.'s therapist and his foster parent, E.L. was doing well until visitation with appellant increased. Thereafter, he became hyperactive, anxious and aggressive, and began wetting the bed again following visits with appellant. The foster parent reported that E.L. stole a ring from her daughter and, when confronted, told her "he learned how to steal from [appellant] and that she steals too." The foster parent

overheard E.L. threaten another foster child, "If you don't stop it, I'm going to hit you in your pee-pee." When confronted, E.L. claimed appellant told him the same thing.

In light of these new facts, the addendum report modified its prior recommendation and instead recommended termination of appellant's services and a permanent plan of guardianship for E.L., due in part to "[appellant's] immaturity and inability to demonstrate positive parenting skills during her unsupervised visitation with [E.L.]" The report noted that appellant failed to comprehend the seriousness of the recent allegations of physical abuse against her, did not seem to understand that those actions were not appropriate forms of discipline, and was unremorseful and unconcerned.

A contested permanency review hearing commenced on March 26, 2009. Lani Lee Jones, therapist for E.L., testified that E.L. was "struggling to manage his emotions and having difficulty verbalizing his anxiety," and that he was "having difficulty sustaining attention and having a low frustration tolerance." Jones testified that E.L. told her appellant "sometimes hits me in the balls."

Dawn Reese, a public health nurse for the department, testified that she was concerned appellant might "not fully understand the impact of not seeking medical attention for [N.W.] in a timely manner," and that, due to appellant's history of noncompliance, she might not be compliant in the future. Reese was also concerned that appellant "may not take seriously the consequences of not getting care to both children [N.W. and

O.B.] in a timely manner and not being able to recognize when [O.B.], especially, might be having either hypo or hyperglycemia, and her recognizing how much both children's conditions depend on her acting immediately in a timely manner and responsively and maturely."

Robert Thomas, a social worker with a foster home finding agency, testified that E.L. enjoyed visits with appellant and looked forward to his time with her.

E.L.'s foster mother testified that E.L. had been in her care for nearly a year. When he first came to the foster home, E.L. was aggressive toward other children, he stole things and he occasionally wet the bed. Those behaviors improved over time and with therapy. However, when supervised visits with appellant began, E.L.'s behaviors got worse, and when visits increased and went from supervised to unsupervised, his behavioral problems worsened, including stealing, trying to hurt other children, wetting himself, making gang signs, and holding his hand in the shape of a gun and pretending to fire at others. She noted that, when E.L. was confronted about his behavior, he complained that appellant "goes with her boyfriend" and does not pay attention to him during visits.

The foster mother testified that representatives of Child Protective Services came to her house on February 13, 2009, and informed her that E.L. said appellant "hit him in the private area." Later, E.L. told his foster mother that he wet himself and appellant made him take a shower and then lay on the bed naked while she hit his legs and "his PP." After the reported

incident, visits between appellant and E.L. ceased for a two-week period, during which E.L.'s behavior improved. However, weekly visits started up again and, following the first visit, E.L. again became "aggressive and mad and hitting things," and began wetting the bed and urinating on the carpet.

The foster father for O.B. and N.W. testified that both minors were placed with him in November 2007 and were doing well. O.B.'s diabetes requires constant monitoring, calculation of carbohydrates and administration of insulin. His asthma is treated with a nebulizer and, if needed, a rescue inhaler. O.B. recently suffered a seizure, the cause of which had yet to be determined. N.W. has physical therapy five times per week to treat her developmental delays and possible cerebral palsy. Both children visit with appellant twice a week for about an hour and a half. Visits are supervised by the foster father. Appellant has some difficulty calculating carbohydrates to determine the amount of insulin to administer to O.B., and sometimes forgets to give O.B. his medicine. The foster father testified regarding the incident involving appellant's administration of too much insulin causing O.B. to become hypoglycemic and unresponsive. He and the foster mother assist appellant in learning how to care for O.B., including doing diabetes education and providing her with sample menus. He acknowledged that appellant has learned more about O.B.'s condition, but noted that she only gets his care correct approximately half of the time.

The court found the department provided appellant with reasonable services, and that appellant had "not satisfactorily benefited from those services specifically with regard to [O.B.]" The court continued dependent jurisdiction of N.W. and O.B. in out-of-home placement, continued supervised visitation with appellant on a regular basis, terminated reunification services to appellant, and set the matter for a permanency hearing. With regard to E.L., the court continued dependent jurisdiction, continued supervised visitation, terminated services to appellant and ordered the department to assess the minor for out-of-home placement with a specific goal of legal guardianship as the permanent plan. The court's order noted the current visitation schedule between the three minors was "appropriate."

At the contested hearing on September 2, 2009, appellant objected to representation of all three minors by the same attorney due to the minors' differing plans. Counsel for the minors informed the court that the issue of a possible conflict had been explored, with counsel having concluded no conflict existed.

The November 2009 addendum report states that E.L. was placed on an emergency basis with a new foster parent in Fresno on August 21, 2009. However, after a pre-transition weekend visit, he became "extremely agitated and was refusing to return to his foster home in Sacramento, alleging that the foster parents were 'mean to him,'" and was allowed to remain in Fresno.

After two months of placement in the new foster home in Fresno, the new foster parent reported that E.L. has significant behavioral challenges, both at home and at school. At home, "[E.L.] challenges the foster mother and reacts in a vindictive manner to her firmness. He has engaged in behaviors such as urinating on the floor, has clogged the toilet and admitted to doing it on purpose, and has peeled paint off the walls. [E.L.] has gone into the foster sister's closet, taken her razor, and shaved his head for a Mohawk hairstyle. [E.L.] is described as being argumentative and defiant." At school, he was suspended twice in 2009 for "aggressive and volatile behavior, including knocking a teacher over, and hitting or biting three of his peers." His grades are below grade level. He has been described as impulsive, hyperactive and constantly moving, and has attempted to run away from school. A diagnosis of Severely Emotionally Disturbed and Specific Learning Disability makes him eligible for special education. However, the school "is attempting to exhaust every avenue available, including medication, in order to meet [E.L.'s] educational needs before a recommendation will be made to transition him to a self-contained school for the emotionally disturbed." E.L. is being assessed for psychotropic medication.

Appellant visited E.L. in Fresno on October 26, 2009. During the two-hour visit at the mall, E.L. was only interested in what appellant brought for him and was angry that she did not have any money, telling her to "go borrow some." E.L. was "resistant to [appellant's] hug" and refused to allow her to

hold his hand while crossing the street, complying only after the foster mother intervened "with firmness." The foster mother reported that E.L. had no remorse and did not accept responsibility even for admitted bad acts such as clogging the toilet. He lacked any response when shown pictures of his siblings and lacked affection toward appellant at the end of the visit. He did, however, insist that he wanted to go home with appellant.

The foster mother reported that E.L.'s behavior was "out of control" the day after appellant's visit. He was defiant and threw a tantrum, throwing a television on the floor and damaging it. He packed his clothes in a garbage bag and told the foster mother he was going home. He also stated he was "sick of being asked questions and was 'trying to work myself home from the system.'" He was also defiant in school and the foster mother was asked to remove him.

The report recommended a permanent plan of placement for E.L. with the foster mother with a specific goal of adoption, but did not recommend termination of parental rights as the foster mother was "not prepared to adopt until all services are in place and a six-month adjustment period has occurred." The report reiterated its previous recommendation to terminate parental rights as to N.W. and O.B., with adoption by the current caregivers as the permanent plan.

At the continued contested hearing on November 4, 2009, the parties argued the issue of a potential conflict of interest arising out of minors' counsel representing all three minors

with differing recommendations. In particular, minors' counsel and the social worker represented that the prospective adoptive parents for each of the minors were "willing to continue" visitation between the minors following an order of adoption. Minors' counsel argued there was no actual conflict based, at least in part, on the fact that "termination of parental rights does not terminate the sibling relationship." Counsel noted that N.W. "never lived with [E.L.]. She went straight from the hospital to the home she's in now. [¶] [O.B.] had very limited time he was in the home with [E.L.]. They have some relationship in the times where they've had visitation, but there is not a sibling--there's no evidence before the Court or in my independent investigation of a significant sibling relationship." Minors' counsel argued the minors would "continue to have contact" based on a "commitment . . . by the adoptive parents beyond that of the prior placements for [E.L.] to have continued contact for these children." Appellant's counsel argued that the position taken by minors' counsel that it is in the best interest of N.W. and O.B., but not E.L., to terminate parental rights constituted an actual conflict, particularly when there is "no guarantee that . . . contact will continue." The court found there was "not an actual conflict" and permitted counsel to continue representing all three minors.

The section 366.26 hearing continued the following day. Minors' counsel requested a specific order for visitation between the minor siblings. The court heard testimony from appellant, who testified regarding the nature and extent of her

visitation with the minors. When asked whether E.L. talked about his siblings during his conversations with appellant, appellant replied, "Yes," and explained: "Sometimes I ask him [E.L.] about [N.W.], and he really don't know who she is until I actually explain it to him. And then I show him pictures of [O.B.]" When asked if E.L. said anything when shown pictures of O.B., appellant replied, "Yeah. He always asks if [O.B.] is with me."

Appellant's counsel argued parental rights should not be terminated with respect to N.W. and O.B. based on the bond between appellant and the two minors. Counsel requested that the court find that "there would be detriment to the children if the relationship with her [appellant] was permanently severed, and I also would argue on their [the minors'] behalf that because they are situated in different homes that the sibling exception applies as well that the children--if parental rights are terminated for [O.B.] and [N.W.], they are--there are not a lot of safeguards to ensure continued contact with their sibling. [¶] They have a relationship and were residing together--other than [N.W.]--resided together briefly when they were first put into protective custody and then at some point--and have continued to have visits. And, in fact, the Department is finding--asking you to find, and [minors' counsel] is asking you to find that visitation is important between the siblings. [¶] But I am arguing today that by terminating parental rights, it leaves these children precariously situated in that [E.L.] hopefully will continue to have contact with his mother. He is

situated with a relative, so it is very likely that he will continue to have contact with his mother even if such a day comes when the Court finds there is evident to terminate parental rights for [E.L.] although we hope that that doesn't happen. [¶] He will likely continue to have contact with his mother, and the other two are likely not to with the Court terminating parental rights and the likelihood that they will be adopted by persons who are not related to my client, not related to the children."

The court found no applicable exception to adoption as to N.W. and O.B. and terminated parental rights as to those minors. With respect to E.L., the court stated it did not have enough evidence to terminate parental rights, but adopted the department's recommendation of a permanent plan of long-term foster care with a goal of adoption, continuing E.L. as a dependent child of the juvenile court. The court specifically ordered that all three minors have visitation with each other and set the matter for annual review.

Appellant filed a timely notice of appeal.

DISCUSSION

I

Conflict of Interest

Appellant claims representation of all three minors by the same attorney presented a conflict of interest because the termination of parental rights as to N.W. and O.B. conflicted with the recommended permanent plan of adoption for E.L. due to

the lack of a post adoption contract for, or some other credible assurance of, sibling visitation.

Respondent argues appellant cannot assert the minor's right to be represented by competent counsel because that right is personal to the minor (*In re S.A.* (2010) 182 Cal.App.4th 1128, 1132) and, once parental rights are terminated, the biological parents no longer have any legal interest in visitation, only the minor siblings have an interest in ongoing visitation. (*In re Cliffton B.* (2000) 81 Cal.App.4th 415, 425.) In any event, respondent argues, there was no conflict of interest. As we shall explain, even assuming appellant does have standing, her claim fails on the merits.

"When first appointing counsel [for multiple siblings] in a dependency matter, the court may generally appoint a single attorney to represent all the siblings. It would have to appoint separate attorneys if, but only if, there is an actual conflict among the siblings or if circumstances specific to the case--not just the potential for conflict that inheres in all multisibling dependency cases--present a reasonable likelihood an actual conflict will arise." (*In re Celine R.* (2003) 31 Cal.4th 45, 58.)

"The following circumstances, standing alone, do not necessarily demonstrate an actual conflict of interest: [¶] (i) The siblings are of different ages; [¶] (ii) The siblings have different parents; [¶] (iii) There is a purely theoretical or abstract conflict of interest among the siblings; [¶] (iv) Some of the siblings are more likely to be adopted than others; [¶]

(v) The siblings have different permanent plans; [¶] (vi) The siblings express conflicting desires or objectives, but the issues involved are not material to the case; or [¶] (vii) The siblings give different or contradictory accounts of the events, but the issues involved are not material to the case.” (Cal. Rules of Court, rule 5.660(c)(2)(B); see also *In re Zamer G.* (2007) 153 Cal.App.4th 1253, 1268.)

Appellant argues an actual conflict existed due to the fact that minors’ counsel could not advocate against adoption on behalf of E.L. and for adoption on behalf of N.W. and O.B. “because there was no guarantee of continued contact even if they legally remained siblings.” She urges that counsel should have argued the sibling exception from E.L.’s perspective, i.e., not to terminate parental rights in order to maintain contact between the three minor siblings. We disagree.

“[T]he paramount duty of counsel for minors is not zealously to advocate the *client’s* objectives, but to advocate for what the *lawyer* believes to be in the client’s best interests, even when the lawyer and the client disagree.” (*In re Zamer G., supra*, 153 Cal.App.4th at p. 1265; see also *In re Candida S.* (1992) 7 Cal.App.4th 1240, 1253 [“[T]he obligation of counsel for a dependent minor is to pursue whatever is in the minor’s best interest. This may or may not be what the minor wishes”].)

When considering the sibling-relationship exception, “the concern is the best interests of the child being considered for

adoption, not the interests of that child's siblings." (*In re Naomi P.* (2005) 132 Cal.App.4th 808, 822.)

Here, N.W. and O.B. were flourishing in their foster placement. Each child presented with special needs which were adequately and consistently addressed. Regular visitation with E.L. was ongoing and consistent; however, there was no evidence of a significant bond between E.L. and either N.W. or O.B. Minors' counsel acknowledged that it was in the best interest of all three minors to maintain contact despite the lack of a significant bond. To that end, she noted that the minors had been having contact and would continue to do so, notwithstanding termination of parental rights, at the urging of the adoptive parents.

Appellant acknowledges that the fact that the minors had differing permanent plans, alone, does not necessarily demonstrate an actual conflict of interest or a reasonable likelihood that an actual conflict will arise. However, she argues there is a reasonable likelihood that an actual conflict will arise "because the permanent plan without a contract for post-adoption visitation does not protect [E.L.'s] interest in continued contact." Appellant is wrong. The social worker confirmed that the minors were having contact and that the foster parents "are both willing to continue [the contact]." The record demonstrates that the adoptive parents of N.W. and O.B. "expressed commitment to maintaining sibling contact." The court found that it appeared entirely likely "that there will be continued contact between the [minors]" and that the minors'

relationships "are not going to be affected if I terminate parental rights as to two children and don't as to the other." As an added measure of protection in that regard, the court ordered that the minors continue to have contact with each other.

There is substantial evidence in the record to support the juvenile court's finding that there was no conflict of interest. (*In re Charlisse C.* (2008) 45 Cal.4th 145, 159.)

II

Sibling-Relationship Exception

Appellant urges application of the exception to adoption that applies when termination of parental rights will result in a "substantial interference with a child's sibling relationship" (§ 366.26, subd. (c)(1)(B)(v).) In evaluating whether this exception applies, the court "tak[es] into consideration the nature and extent of the [sibling] relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether ongoing contact is in the child's best interest, including the child's long-term emotional interest, as compared to the benefit of legal permanence through adoption." (§ 366.26, subd. (c)(1)(B)(v).)

The sibling exception "applies only when adoption would result in 'substantial interference with a child's sibling relationship.' [Citation.]" (*In re Daisy D.* (2006) 144 Cal.App.4th 287, 293.) "[E]ven if adoption would interfere with

a strong sibling relationship, the court must nevertheless weigh the benefit to the child of continuing the sibling relationship against the benefit the child would receive by gaining a permanent home through adoption. [Citation.]” (*In re Celine R.*, *supra*, 31 Cal.4th at p. 61.)

If the juvenile court’s ruling declining to find an exception to adoption is supported by substantial evidence, the ruling must be affirmed. (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 576.) We must consider the evidence in the light most favorable to the ruling, giving it the benefit of every reasonable inference and resolving all conflicts in support of the order. (*Ibid.*)

The facts before the court did not establish the sibling-relationship exception. Appellant testified in support of application of an exception to adoption. Her testimony focused primarily on her own relationship with the minors. With respect to the minors’ relationships with each other, she testified only that E.L. “really don’t know who she [N.W.] is until I actually explain it to him,” and that, when she shows E.L. pictures of O.B., E.L. “asks if [O.B.] is with me.” That limited testimony tends to show a lack of a sibling relationship rather than a bond, and provides no evidence to suggest that the minors would suffer detriment if parental rights were terminated.

The record adds little to suggest a significant bond between E.L. and his siblings. N.W. and O.B. resided together virtually from the inception of the juvenile proceedings, while E.L. was placed in another foster home due to his behavioral

problems, which increased over time. While the minors visited regularly (i.e., two times per week), N.W. did not recognize E.L. and focused only on her foster parent and appellant. O.B. played with E.L., but had no difficulty being separated from him at the end of each visit, and there is no evidence of contact between the two outside of the weekly visits.

Interference with the minors' existing relationship was also unlikely given that the adoptive parents acknowledged the importance of maintaining contact between the minors and expressed, through counsel and the social worker, their willingness to facilitate visitation. Indeed, the juvenile court's order for continued regular visitation helped facilitate that intent.

The juvenile court's finding that the sibling-relationship exception did not apply is supported by substantial evidence.

DISPOSITION

The juvenile court's orders are affirmed.

HULL, Acting P.J.

We concur:

ROBIE, J.

BUTZ, J.